

LEGAL DEPARTMENT

MCDONNELL DOUGLAS



14 June 82

Mr. David Doyle
EPA, Region VII
324 East 11th Street
Kansas City, Missouri 64152

EPA-ARHM/PEST

JUN 21 1982

Region VII K.C., MO

Dear Mr. Doyle:

On 20 May 1982, Mr. Douglas J. Orf of Pedco Environmental, Inc, arrived at McDonnell Douglas Corporation's McDonnell Aircraft Co. component (MCAIR) to inspect certain files held by MCAIR in order "to determine compliance with manifest requirements for hazardous waste", pursuant to inspection authority granted by RCRA. Though the letter quoted from Mr. Orf, dated 10 May 1982, did not designate the specific records, telephone contact between Mr. Orf and a MCAIR representative prior to the inspection indicated that Mr. Orf was solely interested in manifest records for wastes shipped from MCAIR's Building 75.

When Mr. Orf arrived at MCAIR to conduct the inspection of records, I reviewed his credentials, and found them limited. He had with him a photocopied letter addressed "To Whom it May Concern" allegedly from the Environmental Protection Agency and an identification card from Pedco Environmental, Inc. He did not have a copy of the contract between Pedco and the EPA, or specific direction from EPA to look at certain MCAIR files and records. Mr. Orf was requested to sign a MDC drafted non-disclosure statement. He contacted the Region VII EPA office in Kansas City to determine his course of action. In the ensuing discussions with Mr. Don Shiel, I attempted to make MCAIR's position clear to both Mr. Orf and Mr. Shiel as follows:

1. Mr. Orf's credentials were inadequate;
2. Mr. Orf had never specified in writing the records he wished to inspect, so that I felt it necessary to protest the adequacy of his credentials before any records were reviewed in case he decided to expand his review;
3. Mr. Orf does not hold a security clearance from the Department of Defense and without such a clearance there are portions of MCAIR's facilities and records which are closed to him;



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4. The only records that Mr. Orf had specified in his telephone contact as of interest to him were of transactions which are not subject to RCRA as wastes from Building 75 are recycled materials and, therefore, subject only to State of Missouri manifest requirements and Mr. Orf had no credentials from the State of Missouri;
5. The non-disclosure statement signed by Mr. Orf and, I assume, prepared by EPA, is inadequate as it would permit Pedco and Mr. Orf to reveal confidential information obtained through the inspection to third parties under certain circumstances and this is totally unacceptable and, I believe, not in accordance with the intent of the law.

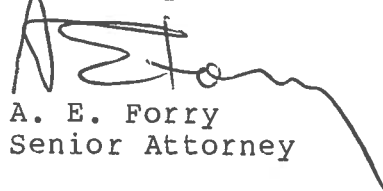
MCAIR decided to allow Mr. Orf to view the records (state manifests) on recycled material shipped from Building 75 upon oral assurances from Mr. Shiel and Mr. Orf that Mr. Orf would so limit his review.

I am writing this letter to inform you that in the future, McDonnell Douglas Corporation and its components will insist upon appropriate credentials for contract inspectors from EPA before allowing any such inspections and will refuse EPA access to any records not under EPA jurisdiction. In addition, as to contract inspections, an appropriate and acceptable (to MDC) non-disclosure statement must be provided to MDC's representatives prior to the inspection.

Future difficulties could be avoided (1) if all announced EPA inspections under RCRA would be set up with sufficient specificity in writing to allow MDC personnel to gather the records requested, and (2) if EPA inspections conducted under any statute at MDC or its components are conducted by individuals who have DOD security clearances of confidential or secret.

If you would care to discuss any of these matters further, please feel free to contact me.

Sincerely,



A. E. Forry
Senior Attorney

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ROUTING
ARWM/AWCM

- (1) ~~_____~~
(2) Don Schiel - (CNSL) COMMENTS?
(3) _____
(4) _____
(5) _____

FILING INSTRUCTIONS

Gen. File No. _____

AIR _____ RCRA ☒Name McDONNELL DOUGLAS CORPLocation ST. LOUIS

Iowa _____ Kansas _____

MO. ☒ Nebraska _____Additional Information _____
